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November 28, 2005

**BY E-MAIL AND FEDEX**

Mr. George Kelhart  
Marketing Order Administration Branch  
Fruit and Vegetable Programs  
Agricultural Marketing Service, USDA  
1400 Independence Avenue SW  
STOP 0237  
Washington, DC 20250-0237



Re: **NOTICE OF FILING UNDER PROTEST**  
Docket Number FV03-925-1PR  
Grapes Grown in a Designated Area of Southeastern California  
And Imported Table Grapes; Proposed Change in Regulatory Periods

Dear Mr. Kelhart:

The following notice was posted on the USDA/AMS website on November 23, 2002 in connection with the above referenced rulemaking proceeding:

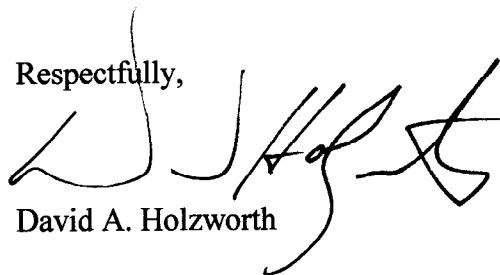
On October 31, 2005, USDA received additional requests to extend the comment period yet again to January 30, 2006. A decision on the FOIA will not be made prior to November 28, 2005. USDA will not take further action on the proposal until the FOIA request and appeal are resolved. Once this matter is resolved, USDA will decide whether or not to reopen the comment period.

On behalf of our client, ASOEX, we are filing herewith under protest comments and data in opposition to the above referenced Proposed Rule. The filing is made under protest because AMS has not released data cited in support of the proposed rule in violation of the Administrative Procedure Act. ASOEX reserves its right to supplement these comments any time up to and sixty days after the previously undisclosed data is finally released. In addition, ASOEX will vigorously seek to enforce the right of commenters who also oppose the proposed rulemaking to

continue to file their comments in opposition up to sixty days after the withheld information is finally released.

Because of the serious irregularities that have already comprised this proceeding, including the lack of transparency in violation of U.S. and international law, ASOEX reiterates its request for an indefinite suspension of the rulemaking.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Holzworth', written over the printed name.

David A. Holzworth

Cc: United States Trade Representative  
Office of Management and Budget  
Embassy of Chile  
Senator Santorum  
Senator Carper  
Congresswoman Schwartz  
Congressman Thomas  
Congressman Cardin  
Delaware River Maritime Exchange  
Food Marketing Institute